



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 6146-99  
15 February 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your spouses's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 14 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

14 Jan 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR Pay memo of 20 Oct 99  
(b) DOD Financial Management Regulation (Vol 7B)

Encl: (1) DFAS-CL ltr 301:3013:130 dtd 11 Jan 84

1. Per reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP) prior to transferring to the Fleet Reserve on 31 August 1983.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on 31 August 1983. He declined participation in SBP at that time. He died on 21 September 1997.

b. Per reference (b), the decision to participate or not participate in SBP is irrevocable.

3. Per enclosure (1), [REDACTED] received a letter from the Defense Finance and Accounting Service, Cleveland (DFAS-CL) that his election code would be changed to reflect non-participation in the plan per his request. Additionally, Mrs. Mahoney acknowledged the election on the SBP election form.

M. P. WARDLAW  
Head, Navy Retired Activities  
Branch (PERS-622)